

CHANGE TOOLKIT

LAND TITLE ACT, 2015

PREPARED BY THE LAND TITLES OFFICE

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6. REFERENCE MATERIAL

- a. [Land Titles Act, 2015](#)
- b. [General Regulation](#)
- c. [Plans Regulation](#)
- d. [Fees Regulation](#)
- e. [Standards](#)
- f. [Prescribed Forms](#)
- g. [Land Titles Schedule of Fees](#)

Request to Readers

This toolkit is intended to be a working document and will be updated regularly. Suggestions are welcomed.

Please e-mail or fax suggestions or questions to the Land Titles Office:

Email: landtitlesoffice@gov.yk.ca

Fax: 867-393-6358

LAND TITLES OFFICE FORMS

Transfers

Individuals

[Transfer of Land Form](#)

[Spousal Affidavit for Individual](#)

[Affidavit of Consent to Disposition of a Family Home](#)

[Transfer Information \(Point Form\)](#)

Corporations

[Transfer of Land Form](#)

[Spousal Affidavit for Corporation](#)

[Affidavit of Corporate Authority \(Body Corporate Signing Without Seal\)](#)

[Transfer Information \(Point Form\)](#)

Applications

[Application for a Certificate of Leasehold Title](#)

[Application for a Certificate of Life Estate Title](#)

[Application to Register a Plan of Consolidation](#)

[Application to Register a Plan of Subdivision](#)

[Application to Register a Plan of Subdivision for Lot Enlargement](#)

[Application to Withdraw Land – Commissioner of Yukon](#)

[Application to Withdraw Land – Government of Canada](#)

Discharges / Withdrawals

[Discharge of Condominium Lien](#)

[Discharge of Mortgage or Encumbrance](#)

[Partial Discharge of Mortgage or Encumbrance](#)

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[Withdrawal of a Caveat by a Corporation](#)

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[Caveat](#)

[Condominium Act Notice of Lien](#)

[Notice to Caveator to Prove Claim](#)

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[Request to Change Name](#)

[Request to Correct Error in Name](#)

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[Application of Surviving Joint Tenant
Transmission Application Form](#)

General

[Affidavit of Witness](#)

1. PURPOSE OF TOOLKIT

[Land Titles Act, 2015](#) (“Act” or “new Act”) came into effect on June 20, 2016.

This “toolkit” has been prepared by the Land Titles Office (“LTO”) to summarize the principal changes and provide tools to assist its government and professional users to adapt to operations under the new Act.

The new Act and regulations are designed to function with minimal changes to established practice under the old Land Titles Act (“old Act”) while using the existing paper-based registration system. They also provide for the eventual conversion to a modern electronic registration system. Changes to procedures will occur with the introduction of an electronic system.

This toolkit is not intended to be an exhaustive summary of all changes to the law, and should not be used as a substitute for original sources. The LTO will not accept any legal liability for any loss or damage incurred as a result of the use or reliance upon the information provided.

2. STATUS QUO FOR MAJORITY OF STANDARD TRANSACTIONS

- a. All current forms “grand-parented.”
- b. All document submission procedures unchanged.
- c. Timing of document examination and provisional registration approval unchanged.
- d. Same day corrections of minor document errors will continue to be permitted.
- e. Timing and documents produced on final “sign off” unchanged.
- f. Simplified fee calculations with no substantial changes in fees or billing procedures.

3. CHANGES TO PROCESSES AND PROCEDURES

- a. Forms designed to simplify process and communicate procedures.

Instruments submitted for registration are not required to be in the exact format of the prescribed forms, provided the instruments contain all “critical elements,” as defined and explained below. However the use of the prescribed forms is encouraged and, in many cases, will simplify the processes and communicate procedures required.

- b. Document examination protocol – Critical Element examination

LTO will examine all instruments to assure that all elements of critical importance (“Critical Elements”) for the instrument to serve its purpose and be acceptable for registration are included and completed properly.

[Examples](#) of Critical Elements for each form will be highlighted, where possible, on the approved PDF version of the form that is published on the LTO forms [webpage](#).

Critical elements are subject to change as Land Titles Office practices are reviewed. Please refer back to the [website](#) or toolkit on a regular basis for new and updated forms.

c. Published standards for documents and document examination

In the past five years, substantial efforts have been made by the LTO to produce the “Land Titles Office Procedures Guide.” Support has been provided to the LTO, by government departments, and private sector professionals (e.g., lawyers and surveyors). While the guide is almost complete, it requires an update to reflect the changes under the new Act and regulations.

In the meantime, this guide sets out the [standards](#) that LTO will use for examination of instruments. As the LTO continues to move forward with the development of its Critical Element examination process, it will update these standards.

d. Deferred examination and registration of instruments by LTO (priority retained)

The LTO now has the facility, in appropriate circumstances, to defer examination and registration of an instrument, while other instruments proceed through examination and are registered. When the deferred examination of the instrument is completed and registration proceeds, the instrument will be registered effective as of the date and time it was submitted for registration.

This will benefit the LTO and submitters involved in more complex transactions by permitting time for LTO consideration and dialogue with the submitter without delaying other transactions. The LTO will promptly advise all submitters whose instrument examination will be deferred. All submitters who have not received such a notice will know their transactions are proceeding in the normal course.

e. Appeal process from decisions of Deputy Registrars and Registrar

Formal appeals may be made to the Registrar when appealing a decision of a Deputy Registrar (General Regulation s.25) and to a Judge when appealing a decision of the Registrar (ss.26 and 189).

Provided the procedures established in the Act and regulations are followed, the processing of any instrument for which an appeal is ongoing will be suspended and the priority of registration of such instrument shall be preserved, as of the date and time of its submission.

The regulations to the Act establish that a submitter wishing to appeal a determination, that an instrument must not be registered:

- i. made by a Deputy Registrar to the Registrar, must provide the Registrar with written notice of their intention to do so, with brief reasons, before the end of

the next business day following the refusal of the Deputy Registrar (General Regulation s.5(5)) and follow up with written reasons within six business days of the refusal; and

- ii. of the Registrar to a Judge, must commence an action and register a Certificate of Pending Litigation within seven business days of the Registrar's decision (General Regulation s.6(2)).

Failure to provide the notices, written reasons, and/or file a Certificate of Pending Litigation will result in the provisional numbers assigned to the instrument(s) being cancelled and the documents being returned.

Persons wishing to appeal, under ss. 25 and 26 must review the Act and regulations for details.

Persons wishing to give notice of their intention to appeal to the Registrar or provide their written reasons may do so by delivering the written notice and/or written reasons to the LTO or by sending an e-mail to: landtitlesoffice@gov.yk.ca.

- g. Authorization for return of private documents

The General Regulation provides in s. 7 that the Registrar may return a document or portion of a document that is no longer required. Some instruments require evidence of identity or that particular events have taken place, in order to be registered. However, once provided, such evidence is not always necessary for the operations of the LTO and could be vulnerable to identity fraud. For that reason, such evidence — for example copies of birth certificates, marriage licenses, death certificates — will be returned to the original submitter, upon request, once they have been examined or be disposed of by the LTO. A record will be kept of the evidence having been provided.

- h. Simplified Fees
See: [Land Titles Office Schedule of Fees](#)

4. CHANGES TO UPDATE THE LAW AND PROVIDE NEW OPPORTUNITIES

- a. Option for eligible Yukon First Nations to register Settlement Lands

New option available for eligible Yukon First Nations to register Settlement Lands and obtain Certificates of Title in the name of the First Nation for Category A and Category B Settlement Lands, without losing their aboriginal title to their lands. See Settlement Land Regulation for more information.

Form required:
Coming soon

- b. Opportunities for Leasehold Certificates of Title

First Nations and other land owners may grant leases that permit Leasehold Certificates of Title to be issued to lessees when the leases are for a period over 15 years.

Form required:

[Application for a Certificate of Leasehold Title](#)

c. Opportunities to grant and register mortgages over Leasehold Titles

New opportunities for lessees holding Leasehold Certificates of Title to grant mortgages, which lenders can register in LTO.

Form required:

[Mortgage of Leasehold Interest](#)

d. Six new Certificates of Title to accommodate each category of First Nation Settlement Land, Leasehold titles and Life Estate titles.

- i. Category A Settlement Land Certificate of Title: equivalent to fee simple excepting the Mines and Minerals and the right to work the Mines and Minerals
- ii. Category B Settlement Land Certificate of Title: equivalent to fee simple excepting the Mines and Minerals and the right to work the Mines and Minerals
- iii. Fee Simple Settlement Land Certificate of Title
- iv. Fee Simple Settlement Land Certificate of Title in the Mines and Minerals and the Right to Work the Mines and Minerals (relating to Category A Settlement Land)
- v. Leasehold Certificate of Title: a subsidiary title that can be issued for a leasehold interest when a fee simple or Category A or B Title has been issued by the LTO in respect of the parcel. A Leasehold title is a subsidiary title in relation to the primary title.
- vi. Life Estate Certificate of Title: a subsidiary title that can be issued for a life estate interest when a Fee simple or Category A or B Title has been issued by the Land Titles Office in respect of the parcel. A Life Estate title is a subsidiary title in relation to the primary title.

- e. Minor wording changes to existing Certificates of Title
 - i. Fee Simple Certificate of Title
 - ii. Certificates of Title for Condominium Units
- f. Procedures for Leasehold Titles and Life Estate Titles

A lease for a term greater than 15 years issued in respect of a Fee Simple Certificate of Title or a Certificate of Title for Category A or B Category Settlement Land may, upon application, serve as the basis of a leasehold title and similarly, a grant of life estate issued in respect of a fee simple certificate of title or a Category A or B Settlement Land certificate of title can, upon application, serve as the basis of a life estate title.

Encumbrances relating to or interests secured against these subsidiary interests can then be registered directly upon the leasehold or life estate title.

Procedures and forms to facilitate include:

- i. [Application for Certificate of Leasehold Title](#)
- ii. [Application for a Certificate of Life Estate Title](#)

5. CHANGES TO IMPROVE LTO RECORDS AND SURVEY FABRIC

- a. Titles must be raised when Survey Plans are registered

Procedures and forms to facilitate this include:

- i. Pre-assigned LTO plan numbers issued to Canada Lands Surveyors to permit plan preparation and so that lawyers can begin early document preparation using legal descriptions and plan numbers. *More details on procedures available soon.*
- ii. Provision for Surveyor General Branch to hold plans pending preparation of documents to raising title. *More details on procedures available soon*
- iii. Application forms providing for plan and documents to be submitted concurrently and streamlined processes to raise new titles. *More details on procedures available soon*

b. Applications for Plans of Subdivision

The application form is straight forward and will function mainly as a request to raise the titles shown on the plan of subdivision. Owners that wish to register a plan of subdivision will have to submit an application with the plan and the documents to raise title to the new lot(s) provided for in the plan.

Form required:

[Application to Register a Plan of Subdivision](#)

c. Applications for Plans of Subdivision for Lot Enlargements

Form required:

[Application to Register a Plan of Subdivision for Lot Enlargement](#)

d. Applications for Plans of Subdivision for Consolidations

Form required:

[Application to Register a Plan of Subdivision for Consolidation](#)

e. Easements and leases of parts of buildings require Canada Land Surveyor prepared sketches

To be registered on a Certificate of Title, an easement agreement or lease must now include a sketch of the easement area prepared by a Canada Lands Surveyor.

Previously the LTO had greater latitude in terms of accepting sketches prepared by non-professionals, but the new Act provides that a higher standard of certainty is required in respect of these registered interests in land.

There will be no change in the LTO practice regarding registration of caveats in regards to leases. LTO will not be applying Canada Land Surveyor prepared sketch requirements to the registration of caveats.

f. Roads and public-use parcels must be titled or withdrawn from under the Act

Where roads and public use parcels vest in the Government of Yukon or a municipality at the time of subdivision of a parcel, title will be raised to those roads in the name of the government in which they vest. However, if the lands vest in the Government of Yukon, the approving authority can instruct the LTO to withdraw affected roads and public use parcels from under the new Act.

As these parcels will now be described as separate parcels, they will no longer be included in the titles issued to the owner of the new subdivided parcels.

Form required:

[Application to Register a Plan of Subdivision](#)

(Note: Language and requirements to raise title or for Commissioner or approving authority to elect to withdraw land from under the Act contained in form)

g. Governments may withdraw lands from under Act

If a First Nation, Canada or the Government of Yukon feels that there is no longer the need for a titled parcel to be registered in the LTO, that government can now apply to the Registrar to have the parcel withdrawn from under the Act provided that all encumbrances other than those which are applied by virtue of legislation at the time of titling, have been discharged.

While this could be done previously by a government, a court order was required. Under the new Act, the Registrar will have the jurisdiction to cancel titles in this situation.

Forms required:

[Application to Withdraw Land – Government of Yukon](#)

[Application to Withdraw Land – Government of Canada](#)

Application to Withdraw Land – First Nation (*available soon*)

h. Documents relating to untitled land may no longer be registered

In the past, the LTO on occasion would register documents that related to specific surveyed parcels for which no title had been issued. The instrument, in most cases a builders lien or a tax lien, would be attached to the parcel by being filed in association with the survey plan. The new Act does not permit registration of interests in respect of surveyed parcels for which title has not been issued.

i. Provision made for deferred posting

Deferred monumentation refers to the placing of monuments marking parcel boundaries dealt with by a survey after the plan of survey has been confirmed or approved and recorded in the Canada Land Survey records or after it has been filed or registered in LTO.

Deferred posting may be considered, for example, when it will enable issuance of title while reducing the impact of grading and construction on monument destruction or provide flexibility in timing of monumentation to suit seasonality ground conditions. In appropriate circumstances, it may also be permitted where a compiled plan cannot be prepared to allow the consolidation of a parcel with multiple parcels and/or

metes and bounds descriptions and the time or travel cost of a surveyor to a remote community for reposting would be prohibitive.

The approval of deferred posting is a matter for the Surveyor General Branch (SGB).

A surveyor applying for deferred positing must ensure that sufficient funds will be available (for example: by posting a bond or placing the money in a trust account) to complete the final placement of monuments. In the event that a surveyor becomes incapable of completing the project, the funds shall be provided to another surveyor appointed by the Registrar to do the work. The amount of the bond, or money to be placed in trust, if any, shall be determined by the Registrar, in consultation with the surveyor and SGB.

j. Surveyor General Branch and LTO plan approval modernization

The new Act confirms the Surveyor General Branch (SGB) for review and approval of all plans registered in LTO. The SGB has performed this function, under the legislative authority of the *Canada Lands Surveys Act*, and under less formalized authorities of the previous Land Titles Act, for many years.

SGB authority, under the *Canada Lands Surveys Act* remains unchanged. SGB authority with respect to titled lands is now formally recognized by the new Act, its regulations and the Registrar. The standards to be applied by the SGB, for plan approval, are substantially the same, although the Registrar has some jurisdiction permitting variances to accommodate local circumstances following a consultation process provided for in the [Plans Regulation](#).

LTO and SGB will be working together to simplify processes for their offices and for stakeholders, beginning with a process whereby the Instructions to Surveyor will now contain pre-assigned LTO plan numbers. This will allow surveyors and document preparers to know all the components of the full legal description of the lots which are to be included in a plan early in the plan preparation process. This will also facilitate document preparation by document submitters in compliance with s. 28 (2) of the new Act, which requires that plans and documents to raise the title to all lots on a plan be registered concurrently. In addition, to further facilitate compliance with s. 28 (2) of the new Act, SGB has agreed to hold completed plans pending other documents being prepared and to release plans to document submitters when they are ready to submit a complete package to LTO.

Document preparers can obtain the details on the proposed legal description for a parcel or parcels being surveyed by requesting a copy of the Instructions to Surveyor from their surveyor or by alternatively contacting the office of the SGB at:

bob.gray@canada.ca or elden.pfeiffer@canada.ca. Document preparers are requested to contact their surveyor first.

In addition, LTO and SGB are working on a series of initiatives aimed at modernizing the plan approval process and preparing LTO to operate with digital plans when that facility is introduced. These include: authorizing the signatures, approvals and certifications to be gathered on a separate page of a plan to avoid circulation of Mylar copies; acceptance of digital signatures; using electronic verification services of the SGB (eApproval), joint plan approval and others.

Further details: [LTO Plan Approval Modernization Initiatives](#)

k. Simplified processes for registering survey plans and raising title to new lots

Enlarging a lot through the addition of Crown Land to an existing parcel of titled land no longer requires two separate processes. Provided the owner of the existing parcel consents, the Registrar has the authority to issue a single title for the new surveyed parcel which includes both the originally titled land and the additional land.

Previously, title was raised to the new land in the name of the prospective owner and was then consolidated with the existing parcel. This procedure is no longer required.

Forms required:

[Application to Register a Plan of Subdivision](#)

[Application to Register a Plan of Subdivision for Lot Enlargement](#)

[Application to Register a Plan of Subdivision for Consolidation](#)

(Note: Language and requirements contained in form)